

**WARREN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
FRIDAY, MARCH 16, 2007**

The Board of Supervisors of the County of Warren convened at the Supervisors' Room in the Warren County Municipal Center, Lake George, New York, at 10:00 a.m.

Mr. William Thomas presiding.

Salute to the flag was led by Supervisor Sheehan.

Roll called, the following members present:

Supervisors Gabriels, Monroe, Girard, Sheehan, Mason, O'Connor, Kenny, Belden, Bentley, W. Thomas, Tessier, Merlino, Stec, Champagne, VanNess, Sokol, F. Thomas, Haskell, and Geraghty - 19.

Absent: Supervisor Caimano - 1.

Motion was made by Mr. Belden, seconded by Mr. Tessier and carried unanimously, to approve the minutes of the February 16, 2007 Board Meeting, subject to correction by the Clerk.

Chairman Thomas declared the Public Hearing on proposed Local Law No. 4 of 2007, authorizing the Planning and Community Development Department to act as Administrator for certain grant programs, open at 10:01 a.m. and requested the Clerk to read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

Chairman Thomas acknowledged and welcomed the City of Glens Falls Mayor, LeRoy Akins, to the meeting.

Chairman Thomas requested Supervisor Tessier to come forward for a presentation. Mr. Tessier introduced the re-enactors representing the commemoration of the 250th Anniversary of the French and Indian War. He added that Warren County had been designated as the host of the official 2007 I Love New York Summer Festival. He presented the Summer Festival poster to the Board of Supervisors and members of the audience and a Summer Festival bookmark, and noted that these items would be distributed throughout the State of New York, as well as throughout the school systems, to encourage families and students to journey, explore and discover the rich history of New York State.

There being no one further wishing to speak, Chairman Thomas declared the Public Hearing on Local Law No. 4 of 2007 closed at 10:13 a.m.

Chairman Thomas declared the Public Hearing on proposed Local Law No. 5 of 2007, regarding modifications to the residency requirements for the Administrator of the Westmount Health Facility, open at 10:15 a.m. and requested the Clerk to read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

Chairman Thomas requested Sheriff Larry Cleveland and Supervisor Bentley to come forward for a presentation. Mr. Bentley apprised he would like to honor residents of the Town of Horicon, specifically the Highway Department, that were instrumental in solving over sixty burglaries this year. Sheriff Cleveland added that the Highway Department of the Town of Horicon had assisted in a two-day man hunt and the capture of the "Mountain Man". He said they wanted to recognize Mark Younes, Scott Holland and Paul Smith of the Town of Horicon Highway Department and he presented each with a certificate of appreciation. The board members responded with applause.

Chairman Thomas announced that today was Joan Parsons' last Board meeting due to her retirement at the end of the month. He presented Mrs. Parsons with flowers from the Board of Supervisors as a token of their appreciation. The board members responded with applause. Mrs. Parsons thanked the Board of Supervisors, department heads and her Office staff for their tremendous support over the years.

Chairman Thomas reminded the Supervisors to review their committee meeting agendas carefully and noted that meetings would begin on Thursday following the Board meeting.

There being no one further wishing to speak, Chairman Thomas declared the Public Hearing on Local Law No. 5 of 2007 closed at 10:20 a.m.

Chairman called for reports by Committee chairmen on past activities and the following gave verbal reports:

Supervisor Geraghty, Insurance; Supervisor Haskell, County Facilities; Supervisor F. Thomas, Legislative; Supervisor VanNess, Fire Prevention and Control; Supervisor Stec, Planning and Community Development and Veterans' Services; Supervisor Tessier, Airport, Social Services and Tourism; Supervisor Bentley, Federal Programs; Supervisor Belden, Real Property Tax Services and DPW; Supervisor O'Connor, Mental Health; Supervisor Mason, Health Services; Supervisor Sheehan, Support Services; Supervisor Monroe, Finance and Joint Meeting of Budget and Ad Hoc Sales Tax; and Supervisor Gabriels, Personnel and Joint Meeting of Social Services and Personnel.

With regard to the Insurance Committee meeting, Mr. Geraghty apprised the Committee had requested authorization to enter into an agreement with KBM Management to write a Request for Proposal (RFP) for a Third Party Administrator with regard to the Workers' Compensation to try to obtain a better price for the excess Workers' Compensation. He noted that it was Resolution No. 154 in the Supervisors' packets.

With regard to the County Facilities Committee meeting, Mr. Haskell reminded the Supervisors that a public meeting would be held in the Supervisors' Room on Monday, March 19th at 7:00 p.m. to discuss the new Health and Human Services Building.

With regard to the Legislative Committee meeting, Mr. F. Thomas stated Resolution Nos. 186 through 191 included in the Supervisors' packets, were the result of that Committee

meeting. He referred to Resolution No. 190 which pertained to the facilitated enrollment program for New York State Medicaid. He recalled that all of the Supervisors had received a copy of the Grand Jury Report conducted by Suffolk County and he felt the results of that report were appalling. He noted that he hoped Resolution No. 190 would address that situation. A copy of the aforementioned report is on file with the Office of the Clerk of the Board of Supervisors with the Department of Social Services records.

With regard to the Fire Prevention and Control Committee meeting, Mr. VanNess apprised that Washington County was in the process of passing a resolution for their share of costs for the Emergency Services Training Center and added two additional parcels of property in Warren County were being reviewed for possible locations of the Training Center.

Mr. Stec stated that with regard to the Planning and Community Development Committee meeting, Local Law No. 4 of 2007 had derived from that meeting and he felt that was a proactive step for the County to work with the Local Development Corporation (LDC) to facilitate agreements.

With regard to the Airport Committee meeting, Mr. Tessier expounded that the American Yankee Association Convention had run into a glitch with purchasing the insurance coverage, and the cost to the County for an additional \$5 million insurance policy would be \$1,580. He noted that was Resolution No. 160 which was included in the resolution packets. With regard to the Social Services Committee meeting, Mr. Tessier said there were a number of retirements within the Department and positions that needed to be filled.

Mr. Bentley expounded in regard to the Federal Programs Committee meeting, noting there were resolutions that needed to be brought from the floor due to a lack of a quorum at that meeting. He said he would do that later in the meeting at the appropriate time.

With regard to the Mental Health Committee meeting, Mr. O'Connor called the board members' attention to Resolution No. 194 included in the resolution packets, and advised the resolution listed ten professionals that had volunteered to serve on the Warren County Disaster and Mental Health Response Committee. He noted this would bring the total to thirty professionals that had volunteered to take part on this Committee, which was a direct result of the Ethan Allen tragedy.

Mr. Mason apprised with regard to the Health Services Committee meeting, the Committee was still pursuing the Point of Care equipment. He added that he had attended a meeting in the City of Glens Falls in which they solicited the assistance of Congresswoman Gillibrand in obtaining the equipment. He added that an invitation had been extended to Congresswoman Gillibrand to tour the Warren County Health Division which she has accepted.

With regard to the Support Services Committee meeting, Mr. Sheehan stated the majority of the meeting related to the Board of Elections and there were two resolutions included in the packets. Resolution No. 210 included in the packet, he said, related to

attendance at the New York State Board of Elections Annual Conference and the fees associated with that travel. He added Resolution No. 211 would institute a fee schedule for information that was requested from the Board of Elections.

Mr. Girard apprised he had attended his first Mental Health Committee meeting which he had recently been appointed a member to and he found it very interesting.

Mr. Monroe expounded that with regard to the Joint Meeting of Budget and Ad Hoc Sales Tax Committees, discussions were held regarding a possible increase in sales tax in order to reduce expenditures, as well as property taxes. He added that with regard to the Finance Committee meeting, discussions were held regarding the creation of a public authority to manage the railroad properties and the County Attorney was in the process of drafting a Home Rule Request to that effect.

With regard to the Personnel Committee meeting, Mr. Gabriels advised that with the retirement of Joan Parsons, Commissioner of Administrative and Fiscal Services, looming there would be cascading consequences to the structure of County personnel. He noted that Resolution No. 216 would appoint an Administrator at the Westmount Health Facility and Resolution No. 217 would appoint Hal Payne as Commissioner of Administrative and Fiscal Services. He added that Local Law No. 5 of 2007, which related to residency requirements, directly related to those resolutions as well. Mr. Gabriels stated that a Negotiating Team had been established to handle union negotiations. He concluded that this morning a Joint Meeting of the Personnel and Social Services Committee was held prior to the Board of Supervisors meeting, regarding the filling of vacant positions in the Department of Social Services.

Chairman Thomas recognized that Resolution Nos. 219 and 220 authorized Mrs. Parsons and Pat Beland, Director of the Parks, Recreation and Railroad Department, who were each retiring at the end of the month, to continue to offer their services to their respective departments on a per diem basis, as needed.

Chairman called for reading of communications.

Clerk read communications, including the following:

Minutes from:

- Children & Youth Subcommittee;
- Soil & Water;
- Warren & Washington Counties IDA.

Monthly Reports from:

- Weights & Measures;
- Veterinarian;
- Probation Department.

Annual Reports from:

2006 Dog Licensing Report from Warren County Treasurer;
2006 Greater Adirondack Home Aides Report.

Adirondack/Glens Falls Transportation Council, Preliminary listing of Transportation Improvement Program (TIP) projects.

Adirondack Park Local Government Review Board, Final Report of activities;

National Grid, Semi-annual PCB Report;

Adirondack Park Local Government Review Board, Resolution No. 5 of 2007, opposing the appointment of Assemblyman Grannis as Commissioner of the Department of Environmental Conservation;

State of New York Department of Civil Service, Fourth Quarter Empire Plan Experience Report for 2006;

Washington County Board of Supervisors, Resolution No. 50 of 2007, extending an agreement with R.S. Lynch for services related to the Hudson Falls Resource Recovery Facility;

State of New York Commission of Investigation, Report on Cyber Crimes Against Children;

New York State Division of Housing and Community Renewal, 2006 Performance Report.

Letter of official retirement from Joan Parsons as Commissioner of Administrative and Fiscal Services, effective March 30, 2007.

Letter of resignation from Hal Payne as Administrator of the Westmount Health Facility and Countryside Adult Home, effective March 16, 2007 to accept the position of Commissioner of Administrative and Fiscal Services.

Letter from Hal Payne, Commissioner of Administrative and Fiscal Services, appointing Richard Murphy as Deputy Commissioner of Fiscal Services and JoAnn McKinstry as Deputy Commissioner of Administrative and Fiscal Services, effective April 2, 2007.

Communications, resolutions and reports ordered placed on file.

Chairman called for reading of resolutions.

Chairman Thomas announced that an amendment to Resolution No. 219 was needed, to include authorization of the Clerk of the Board of Supervisors to retain the services of Mrs. Parsons as a Management Analyst on a per diem basis, as needed.

Motion was made by Mr. Gabriels, seconded by Mr. Stec and carried unanimously to

waive the rules in order to amend the resolution as presented.

Motion was made by Mr. Gabriels, seconded by Mr. Sheehan and carried unanimously to amend Resolution No. 219 of 2007 to include the authorization of the Clerk of the Board of Supervisors to retain the services of Mrs. Parsons as a Management Analyst on a per diem basis, as needed. Clerk noted the amendment for the record.

Paul Dusek, County Attorney, apprised that included in that resolution was a ninety-day clause that should be deleted, and because the resolutions had been mailed, a motion to make that correction was necessary.

Mr. Gabriels amended his motion to include the deletion of the ninety-day clause and Mr. Sheehan seconded the amended motion. Chairman Thomas called the question and the motion was carried unanimously.

Motion was made by Mr. Bentley to waive the rules of the Board and bring Resolution Nos. 221 through 223 to the floor and the motion was seconded by Mr. F. Thomas.

Chairman Thomas noted a motion was previously made to waive the rules and therefore was not necessary. Chairman called the question and the motion to bring Resolution Nos. 221 through 223 to the floor was carried unanimously.

Mr. Belden apprised Resolution No. 170 was regarding the purchasing of meals for DPW employees. He noted that William Lamy, Superintendent of DPW, was in the process of developing a policy and requested that the resolution be tabled for further research.

Motion was made by Mr. Belden, seconded by Mr. Mason and carried unanimously to table Resolution No. 170.

Privilege of the floor was extended to Mr. Lamy, who distributed a copy of the Annual Report from the Department of Public Works, a copy of which is on file with the minutes. He stated that under County Highway Law, as well as County Policy, he was required to report to the board on an annual basis with regard to funds allocated within the DPW budget. He noted it was a detailed report of DPW activities.

Mr. F. Thomas requested a roll call vote on Resolution No. 198, Authorizing Agreement with Natalie J. Barber to Provide Physical Therapy Services.

Mr. Kenny requested roll call votes on Resolution No. 184, Amending the Warren County Travel Policy and County Vehicle Use Regulations, and Resolution No. 200, Resolution Requesting the Creation of a Public Authority to Oversee, Manage and Lease or Own Those Portions of the Rail Line Currently Owned by Warren County, Town of Corinth and Being Considered for Purchase by the Town of Newcomb.

Mr. Tessier questioned if the resolution authorizing the Commissioner of the

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Department of Social Services to fill the vacant positions that were approved at the Joint Personnel and Social Services Committee meeting this morning, was included in the packet. Joan Sady, Clerk of the Board, replied Resolution No. 214, Amending the Table of Organization and Warren County Salary and Compensation Plan for 2007, would need to be amended to delete the creation of the Social Welfare Examiner position. She further explained a resolution was not necessary to fill the vacant positions that were approved earlier.

Motion was made by Mr. Tessier, seconded by Mr. Belden and carried unanimously to amend Resolution No. 214 as presented.

Mr. Monroe commented Resolution No. 191, Supporting Adirondack Park Local Government Review Board's Resolution No. 5 of 2007 which Opposes the Appointment of New York City Assemblyman Alexander Grannis as Commissioner of the Department of Environmental Conservation, needed a correction. He noted within the resolution it stated 200 acres zoning and should read 2,000 acres zoning. Mr. Dusek added it could be corrected, rather than amended, given it was a typographical error. Clerk noted the correction for the record.

Mrs. Sady apprised a motion was needed to amend Resolution No. 145 to include an additional transfer of funds in relation to Resolution No. 226, which authorized an intermunicipal agreement and reimbursement of the City of Glens Falls for the lease of two motorcycles and necessary equipment and training from the Special Traffic Options Program - Driving While Intoxicated (STOP-DWI) account.

Motion was made by Mr. Stec, seconded by Mr. VanNess and carried unanimously to amend Resolution No. 145 as presented.

Clerk announced that Resolution Nos. 146 through 221 were mailed, Resolution Nos. 219 and 220 were corrected and Resolution No. 170 has been tabled. Clerk stated that a motion to correct Resolution Nos. 219 and 220 was necessary. Motion was made by Mr. Tessier, seconded by Mr. F. Thomas and carried unanimously to correct Resolution Nos. 219 and 220 of 2007.

Clerk noted a motion was necessary to bring Resolution Nos. 145 and 224 through 226 to the floor. Motion was made by Mr. Stec, seconded by Mr. Sokol, and carried unanimously to bring Resolution Nos. 145 and 224 through 226 to the floor.

Chairman Thomas called for a vote on the resolutions.

Resolution Nos. 145 through 226 were approved, with the exception of Resolution No. 170 which was tabled. Certificates of Appointments for Adirondack Regional Business Incubator, Inc. and Warren County Youth Board were submitted.

Chairman Thomas announced there would be an executive session at the end of the meeting, immediately followed by the Local Development Corporation (LDC) meeting.

Chairman Thomas recognized Assemblywoman Teresa Sayward was present. He extended privilege of the floor to the Assemblywoman.

Assemblywoman Sayward apprised she was very happy to be able to attend the meeting today. She congratulated Mrs. Parsons on her upcoming retirement. She expounded she wanted to give the board members an update on the New York State budget. She noted that the New York State Assembly and the New York State Senate had both passed their budgets, and would be conferencing all week with the hopes to have the Legislative budget prepared by April 1, 2007. Concluding, Assemblywoman Sayward thanked all of the Warren County Supervisors for their persistence and hard work.

Chairman Thomas requested an executive session to discuss a current litigation matter of Warren County versus Marzola, as well as a matter concerning the purchase of real property, which discussions if held publicly would affect the value of that property.

Motion was made by Mr. Monroe, seconded by Mr. Mason and carried unanimously that executive session be declared pursuant to Sections 105 (d) and (h) of the Public Officers Law.

Executive session was declared from 11:22 a.m. to 12:05 p.m.

Board reconvened.

Pursuant to executive session, motion was made by Mr. Monroe, seconded by Mr. Mason and carried unanimously to waive the rules of the board requiring a resolution be in writing, and to introduce and pass a resolution authorizing the County Attorney to compromise a claim of County versus Marzola for approximately \$27,500, to reduce the amount being sought by \$2,500, leaving a balance of \$25,000, and conclude the pending lawsuit. Clerk noted it would be Resolution No. 227 of 2007.

There being no further business, on motion by Mr. Haskell and seconded by Mr. Mason, Chairman Thomas adjourned the meeting at 12:07 p.m.